

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CUSTOM MEDIA TECHNOLOGIES LLC,)
)
)
Plaintiff,)
)
)
v.) C.A. No. 13-1420-LPS
)
)
CHARTER COMMUNICATIONS, INC.,)
)
)
Defendant.)

MOTION TO DISMISS

Defendant (“Charter”) hereby respectfully moves, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the complaint in the above action on the ground that it fails to state a claim upon which relief can be granted.

The grounds for this motion already have been fully set forth in the opening brief in support of Comcast Corporation’s motion to dismiss in the related case captioned *Custom Media Technologies, LLC v. Comcast Corporation*, C.A. No. 13-1421-LPS (the “Comcast Case”). Since the pertinent allegations against Charter in this case are identical to the allegations in the Comcast Case upon which Comcast’s motion is based, and since the arguments advanced by Comcast all are fully applicable to the complaint against Charter, Charter will not burden the Court with a duplicative brief. Instead, Charter relies upon, and incorporates herein by reference, the arguments set forth in Comcast’s opening brief in support of dismissal (D.I. 7 in C.A. No. 13-1421-LPS).

ASHBY & GEDDES

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